

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DOCKET NO. 1:23-CV-114**

-----X
JOHN DOE

Plaintiff,

-against-

**DECLARATION OF
JOHN DOE**

WAKE FOREST UNIVERSITY,

Defendant.

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Plaintiff, who wishes to proceed under the pseudonym John Doe, (for which a separate application seeking the Court's approval has been filed), hereby declares, subject to the penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am the Plaintiff in this action and as such, I am fully familiar with the facts and circumstances set forth herein.
2. I submit this declaration in support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction.
3. I matriculated at Wake Forest University in the fall of 2019, with an expected graduation in May of 2023.
4. As a student at Wake Forest University, I relied on and expected Wake Forest to comply with the policies and procedures, and all applicable laws, in investigating and adjudicating any claims of misconduct.

5. My family has paid a total of approximately \$280,000 in tuition, fees, and costs for my attendance at Wake Forest over the past three and a half years.

6. On April 13, 2022, I was notified by Wake Forest University's Title IX office that Jane Roe submitted a complaint, alleging that I engaged in non-consensual sexual activity with her, on October 15-16, 2021.

7. These false allegations resulted in the University conducting a formal investigation process (after the adaptive resolution process was not successful) which concluded on December 20, 2022 with a finding that I violated the University's Sex and Gender Discrimination, Harassment, and Misconduct Policy and a recommended sanction of a one-year suspension.

8. I appealed the outcome on January 3, 2023, and such appeal was denied on January 23, 2023.

9. At the time of the appeal decision upholding my suspension, I was in the process of completing my final semester of my undergraduate education.

10. If not for this suspension, I would have completed my courses at the end of the Spring 2023 semester, and, if I passed, would be awarded my undergraduate degree, having completed all my degree requirements.

11. I have had no contact with the student identified in the Complaint as Jane Roe since the date of the alleged occurrence, and have only seen her from a distance on campus. We were both present for the hearing on November 29, 2022, however, I appeared in person while she appeared virtually, we were in different locations and did not directly

communicate. I have no intention of contacting her, directly or indirectly, in the future. I do not share any courses with her.

12. I have previously accepted a job offer, with employment set to begin in the summer of 2023 which is contingent upon me obtaining my undergraduate degree in the spring of 2023.

13. If I do not complete my courses this semester, I will not graduate in May 2023 and will not attain my degree. I will therefore be unable to enter the workforce and begin employment in the summer of 2023 as planned.

14. And, even if I eventually win on the merits of this case, the delay in attaining my degree will prohibit me from entering the job market and will create a permanent mark on my record that I will forever have to explain to future employers.

15. Because of the heinous nature of the allegations that Jane Roe made against me, and because of Wake Forest's improper process that resulted in finding me responsible for sexual assault, this finding will forever mark me as a sexual predator and will severely impair any opportunity for me to have a successful future.

16. The nature of the interactions between myself and Jane Roe are truthfully and accurately set forth in paragraphs 123-165 of the Complaint filed in this matter.

17. Wake Forest's actions, process, and communications in investigating and adjudicating Jane Roe's claims against me, are truthfully and accurately set forth in paragraphs 166-251 of the Complaint filed in this matter.

18. I did not sexually assault Jane Roe on October 15-16, 2021, or at any other time. We did not have sexual intercourse on October 15-16, 2021, or at any other time.

Every sexual activity we engaged in, during the spring of 2021 and into the fall of 2021, was entirely consensual.

19. If the court declines to grant this motion for injunctive relief, I will lose the benefit of everything I have worked so hard for over the last nearly four years, and I will lose any chance at moving forward successfully in my life. I will have no degree, no job, and no future prospects.

20. Additionally, it is highly unlikely that I would be able to gain acceptance to another educational institution as a transfer student, both because I am a second semester senior and because Wake Forest found me responsible for sexual assault.

21. Further, there is no guarantee that I will be able to complete my degree at Wake Forest even after the suspension period expires, as the sanction requires me to reapply for admission in the spring of 2024. If Wake Forest does not grant my readmission application, or grants my readmission after the start of the spring 2024 semester, at a time when my required courses have already been filled, I will be even further delayed in earning my undergraduate degree.

22. Attached hereto as Exhibit A is a true and correct copy of Wake Forest's Sex and Gender Discrimination and Harassment Policy.

23. Attached hereto as Exhibit B is a true and correct copy of the formal complaint filed by Jane Roe on or about April 12, 2022.

24. Attached as Exhibit C is a true and correct copy of first Notice of Allegations that I received from Wake Forest dated April 13, 2022.

25. Attached hereto as Exhibit D is a true and correct copy of the Updated Notice of Allegations that I received from Wake Forest dated September 1, 2022.

26. Attached hereto as Exhibit E is a true and correct copy of the Final Investigation Report dated November 4, 2022.

27. Attached hereto as Exhibit F is a true and correct copy of the Final Outcome Letter dated December 20, 2022.

28. Attached hereto as Exhibit G is a true and correct copy of my appeal, submitted on January 3, 2023.

29. Attached hereto as Exhibit H is a true and correct copy of the appeal decision dated January 23, 2023.

30. Attached hereto as Exhibit I is a true and correct copy of the Interim Suspension Notice dated January 24, 2023.

I declare under penalty of perjury that the foregoing statements are true to the best of my knowledge.

Dated: Winston-Salem, North Carolina
February ²__, 2023

DocuSigned by:

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"John Doe"